

REMARKS

Claim 71 has been amended; and claim 104 has been newly added. Claims 3-8, 13-14, 17, 19, 21-38, 41-48, 51, 71-104 are now pending in the application. Claims 7-8, 22-24, 28-37, 42-47 and 83-103 were previously withdrawn. The Examiner is requested to note that, contrary to the Office Action Summary, claims 7, 22-24, 28-37 and 42-47 remain pending in the application, albeit withdrawn from consideration. Applicants respectfully request reexamination and reconsideration of the application in light of the amendments and the following remarks.

Claims 3-6, 13, 14, 17, 19, 21, 25-27, 38, 41, 48, 51 and 71-73 have been rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection. However, applicants have moved the allegedly indefinite term “to increase an area moment of inertia of said beam” from independent claim 71 to newly added dependant claim 104, and added the language “relative to a beam having a solid non-contoured rectangular cross-section and an equivalent mass and width” to dependent claim 104. Support for this added language may be found in the original application as filed on page 13, lines 15-17 and 20-22, page 23, line 9 to page 24, line 1, and in Fig. 5C. A definition for “contoured” may be found on page 8, lines 17-19. Therefore, Applicants respectfully submit that the USC § 112 rejection should be removed.

Claims 19, 21, 25, 38, 41, 48, 51, and 71-82 have been rejected under 35 USC § 102(b) as anticipated by Grube et al. (US 2001/0012739)(“Grube”). Applicants respectfully traverse this rejection.

Grube cannot properly serve as a prior art reference under 35 USC § 102(b) as it is not a patent or printed publication published more than one year prior to the date of the present application. Further, Applicants fail to see how Grube or even any of its parent applications can serve as a prior art reference under any section of 35 USC § 102 or § 103, as it was filed after the present application and is commonly owned with the present application. Therefore, the rejection of the claims in view of Grube is improper and should be withdrawn.

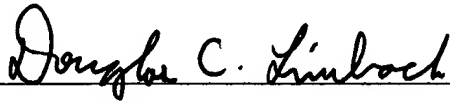
Claims 3-6, 8, 13-14 and 17 have been rejected under 35 USC § 103(a) as being unpatentable over Grube et al. (US 2001/0012739)(“Grube”). Applicants respectfully traverse this rejection. For the same reasons as given above, Grube cannot be used as a 35 USC § 103 reference. For at least this reason, the rejected claims are patentable over Grube.

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (925) 290-4000.

Although Applicants believe that no extension of time fee is required for the entry of this Amendment, Applicants petition the Director for any extension of time deemed necessary for acceptance of this paper, and Applicants authorize the Director to charge any fee deemed necessary for acceptance of this paper to Deposit Account No. 50-0285 (order no. P108-US).

Respectfully submitted,

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